

Some Tribal Origins, Laws, and Customs of the Balkans

175 reduced to the lowest conditions, as the Antariate, Ardsi, and Dardani
 105 among the Illyrians, and the Triballi among the Thracians."

101 "Augustus burnt them down"—but their descendants survived.
 Many a Balkan tribesman became a Roman Emperor, and Rome no
 longer rules the Balkans. A race is seldom, if ever, extirpated. Probably
 many of our conquered races will survive the British Empire.

Strabo, going southward, mentions—in the Bocche di Cattaro—the
 city Rhizon (Risano), then Lissus (Alessio) and Dyracchium (Durazzo),
 with much detail regarding climate, crops, and population. Of great
 interest is his exact definition of the frontier where Greece begins,
 putting it much farther south than the present one. He describes the
 Epirote tribes, Threspoti, Cassiopæi, Amphilochoi, and Molotti, and
 says as you sail into the Ambracian gulf (the gulf of Preveza), on the
 south side are the Greeks and the temple of Apollo Actius, and on
 the north are "the Cassiopæi, an Epirote tribe extending as far as the
 recesses of the gulf. The Amphilochoi are Epirotes, as are all those who
 inhabit the rugged country situate above and close to the Illyrian
 mountains. . . . With the Epiroti are mixed the Illyrian nations, some
 of whom are situate on the southern side of the mountains." He names
 eleven more tribes and states: "Formerly each of these nations was
 under its own Prince, save the Enchelii, whose chiefs descended from
 Cadmus and Harmonia. . . . The Molotti were subjects of Pyrrhus
 Neoptolemus, son of Achilles, and his descendants, who were Thes-
 salians. The rest were governed by native princes. Some tribes were
 continually striving to obtain mastery over others, but were finally
 subdued by the Macedonians. They gave the name of Upper Macedonia
 to the country above Lyncestis, Pelagonia, Orestias, and Elimia. . . .
 Some writers extend the name Macedonia to all the land as far as
 Corcyra (Corfu), assigning as reason the mode of cutting the hair, their
 language, their use of the chlamys, and similar things in which they
 resemble the Macedonians. Some of them, however, speak two tongues.
 On the dissolution of Macedonia they fell under the Roman power. . . .
 At that time the whole of Epirus was well peopled . . . at present
 a great part is uninhabited, and the inhabited parts are in the state of
 villages or in ruins. Even the oracle of Dodona is deserted. . . . Persons
 who hold office among the Thesproti and Molotti are called *Peliones*,
 as among the Macedonians. . . . The country now called Macedonia
 was formerly called Emathia."

174 This is a lucid account of the tribal conditions at the beginning of
 the Christian era, conditions not yet quite dead. Traces of the language
 common to these Macedonian, Epirote, and Illyrian people are still
 622 found in Albania. "E Mathia" means "The Great." The Albanian tribe
 623 still has a nominal chieftain, and is ruled by a council of "pelaki"

The Tribes of Albania and Montenegro

(peligones). Lychnidia, the Roman name for the lake of Ochrida, is ⁶²² possibly the Albanian "Licheni," a lake. And the Molotti, or Molossi, ⁶²³ may mean mountain men, as does the Albanian Maltzor, from Maltaia mountains. (Usually incorrectly spelt Maessori, an Italianized form, it being against the principles of Italian to put "It" together.)

The Romans drove the Illyrian tribes into rugged ground. Similarly ¹⁷⁵ in North Albania of to-day the tribes owe their continued existence in a great part to the mountains. Conquerors always take the fat lands, ¹⁷⁴ leaving the lean to the conquered—if they leave them any. That many descendants of the ancient people survived is shown by the tradition to-day in the mountains that "Latini" or "Pagani" or "Anas" were living on the lands when the ancestors of the present tribes arrived. "Anas" is Albanian for "indigenous."

Roughly speaking, the man who tilled the soil and who herded beasts ¹⁷⁵ has been rudely displaced three times on the west side of the Balkan peninsula. (1) By the invading Roman. (2) By the invading Serb. (3) By the invading Turk.

The history of the present tribes is mainly that of the third displacement. Each tribe has a tale of origin. Unfortunately first the Balkan wars of 1912-13 and then the Great War interrupted and ended my work before I had collected them all. I give such details as I gathered.

The Albanian tribe (Fis) descends from one male ancestor (or several). ⁶¹⁹ All persons tracing descent from the same male ancestor, no matter how distant, are reckoned "brothers and sisters," and are not intermarriage-^[582] able. The law of exogamy is most strictly observed. The heads of families know by heart surprisingly long pedigrees—knowledge of ^[628] great importance, as both marriage and blood vengeance are regulated by consanguinity. We may be certain that groups which will not ⁵⁸² intermarry have in truth a common male ancestor. Women do not ⁶⁰² count. The child, I was told, has none of its mother's blood. Whence ⁶¹¹ it follows that tribes which continually intermarry because they have not a common male ancestor are, in fact, often very closely related on the female side, having given daughters to, and taken wives from, each other for generations. But they jeered at me heartily when I suggested this.

Tribal instinct is far stronger than Church law. Many of these ⁷⁷⁹ exogamous tribes are Catholic. The Catholic Church prohibits the ⁵⁸² marriage of second cousins—but no further. I asked an Albanian Franciscan, a tribesman himself, how he reconciled this with his strongly expressed opinion that to marry "one's own blood," however remote, was incest. "Suppose some fourth or fifth cousins asked you to marry them, could you, as priest, refuse?" He was much upset.

SECTION II

GOVERNMENT AND LAW

I. STRABO AND THE ANCIENT TRIBES. THE COMING OF THE SLAV

As we have seen, Strabo (*ob. c.* A.D. 20), in his detailed account of the Balkan tribes of his day, tells us in the fragmentary account of Dodona that "Among the Thesprotæ and the Molotti the persons who hold office are called Peligones, as among the Macedonians." Also that "most of the tribes were governed by native princes."

In most parts of the world the tribe, with a chieftain and a council of headmen, has existed or exists. The North Albanian tribes, when I visited them, were the last tribes in Europe to preserve autonomy.

The governing councils consisted of elders—"plaki," an old man ("pleknit," plural). The idea of administration of law is so closely connected with old age that "to arbitrate" is "me plechnue," and "plechni" means both "seniority" and "arbitration."

The resemblance between Strabo's word "peligones" and the modern Albanian terms is so striking as to suggest that the Albanian "plak, plaku, pelaku" (all variations of the same word) are in fact Strabo's "pelig," that "ones" is merely an added termination, and that both custom and name have survived uninterruptedly. We need not doubt that under Roman rule the tribal system continued just as it does to-day in Africa under the British Empire.

The Serbs, we are told, were also tribal, but of this there is little information. One of the earliest contemporary accounts of their irruption into the Balkan peninsula is that of John of Ephesus, who says: "This same year, the third after the death of Justin (A.D. 574), was famous for the invasion of the accursed people called Slavonians. . . . And four years have now elapsed and still, because the Emperor is engaged in war with the Persians, they live at their ease in the land, and spread far and wide, and ravage and burn, and take captives. . . . They have ridden even to the walls of the town (Byzantium) and driven away the Emperor's horses—many thousand—and even to this day they still dwell free of care or fear and lead captive, slay, and burn, and have now grown rich in gold and silver and herds of horses, and have learned to fight better than the Romans, though at first they were rude savages and did not dare show themselves outside the forests and coverts of

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562 a daughter and no son she has the right to remain a hundred days
 592 in the house. Then if the heirs order her to leave she must go, but her
 [583] daughter remains as part of the heir's household, and he has the right
 to choose her husband and dispose of her. In practice the widow may
 387 remain in the house as "levirate wife" of one of her brothers-in-law,
 and very commonly does so among the Dukagini. In Malsia e Madhe
 the practice is obsolete.

539 If the widow has had a son who has predeceased his father, she
 562 has more consideration. If the house is a small one, she may live in it
 if capable of carrying on. If a large one, she may live as a member of
 the heir's household so long as she is unmarried. If she elects to return
 [593] to her father, the heir, or heirs, must supply her regularly with wool
 for spinning, bread, cheese, and other necessities so long as she remains
 unmarried.

421 A married daughter has no right to anything whatever of her father's
 property; she no longer belongs to his "house."

TRIBAL BUSINESS

● 623 Business relating to the whole tribe requires a very large council.
 In a large tribe the council may be about a hundred. It includes the
 heads of houses, the heads of mehalas, the bariaktar, and twelve
 specially chosen elders famed for their intelligence. Such a council,
 for example, was needed to decide if each tribe would accept the
 Turkish Constitution in 1908; to decide if a tribe would revolt or aid
 another that has revolted; what side it would take in war, and so forth.
 Smaller councils dealt with pasture lands; how many beasts each house
 might pasture upon the common lands; the date at which pasturing
 might begin.

421 The rights of wood-cutting, too, were thus regulated. Certain groups
 311 had rights in certain woods. Unluckily no one ever thought of replant-
 ing. Great harm has been done by deciding to burn a forest in the
 [134] hope of obtaining pasture land; only too often the result being that
 the winter rain carried away the soil and left bare rock. The water
 312 supply is also controlled by council, especially in those districts where
 an ingenious system of channels carries water great distances and
 takes it across valleys on rude aqueducts made of hollowed tree-stems.

689 In time of scarcity the number of hours per week in which a man may
 turn the water into his fields is jealously regulated. Purposely defiling
 wells and springs was punishable.

671 Not only all the above laws are ascribed to Lek, but many rules
 intended to keep the peace. For example, that men marching abreast
 must keep the length of a gun-barrel apart, lest in turning hastily it

Relationships and Blood Customs

Uncle (father's brother)—Adzh: this is a Turkish word, but is in common use. There is another word, which is Albanian: "Mighe," also "unghe," but "adzh" is commonly used. 601

Aunt (father's sister)—Hallé.

Nephew (brother's or sister's son)—Nipi, collectively Nipnii.

Niece (brother's or sister's daughter)—Mead.

Son—I biri.

Brother-in-law—Konati.

Son-in-law—Dhaner. Also used for bridegroom and fiancé.

Sister-in-law—Kunata.

Cousin—Kushrin.

Female cousin—Kushrina.

Husband—Shok, i.e. companion; or Bur, i.e. man.

Father-in-law—Vjeher.

Godfather, sponsor—Kumar. Godfather of baptism—Kumar i pakzimit. [602]

Godfather of haircutting—Kumar i floksh.

Tribe—Fis.

Relations collectively—Dzinije.

Vlaznija, lit. brethren. A large family group within the tribe like the Montenegrin bratstvo.

Mehala—a Turkish word used for a group of related houses, i.e. a Vlaznija.

Shpi—House and house community.

Krue—Head of a Vlaznija or Mehala.

Plak—Old man. Hence an elder-member, that is, of a tribal council. [623]

Zoti i shpis—Lord of the house.

Bairaktar—Standard-bearer. Head of Fis (Turkish word).

2. BLOOD-BROTHERHOOD

"But the flesh with the life thereof which is the blood thereof shall ye not eat" (Gen. ix. 4). 608

"For it is the life of all flesh; the blood of it is for the life thereof" (Lev. xvii. 14). 174

He who ate the blood would take within him the life of the beast—would become, in fact, partly beast. It follows naturally that he who eats the blood of man establishes kinship with him whose life he thus shares. Blood-brotherhood is a very old and widespread custom. "Whenever the Scythians," says Herodotus (Bk. IV, lxx), "form alliances a large earthen vessel is filled with wine; into this is poured some of the blood of the contracting parties . . . in this cup they dip some arrows, a hatchet, and a spear. After some solemn praying the parties who form the contract . . . finally drink the contents of the bowl."

From the lands lying north-east of the Balkans came down neighbours of the Scythians, the Pechinegs and the Comans, and the Bulgars. The Comans, says B. H. Minns (*v. Scythians and Greeks*), were a

- 175 famous of these chieftains were Kara Mohammed of Scutari, and Ali Pasha of Ioannina. The former, at the end of the last century, aimed at an independent sovereignty, which his son, Mustapha Pasha, asserted
- 175 in open rebellion in 1831; and the latter, notwithstanding the frightful cruelties of which he was
- 669 guilty, still lives in tale and song as the mighty upholder of Albanian independence against Ottoman tyranny. Subsequent risings have, however, resulted only in the death or banishment of the most influential members of leading families, the last *coup d'état* of this description having been carried out at Prisrend and
- [423] Uskup in 1881. The great landholders are now all Moslems, the property of which the Christian proprietors were despoiled at the end of last century by Ali Pasha having, on his death, been appropriated by the Sultan.
- 671 But, whether Christian or Moslem, each section of the Albanian nation has its own traditional laws and usages by which their social life is alone regulated. The Miridites claim to have received theirs from the Dukadjini princes, who, according to them, were the ancestors of their own chieftains. Their internal
- 642 government is a species of aristocratic republic, all
- 623 matters affecting the community being decided in council by the chiefs, the elders, and other hereditary functionaries.
- 342 The dwellings of the Albanians are quite in keeping with the character and mode of life of their occupants. Even at Ioannina, where the customs more closely approximate to those of the Greeks, the houses have a gloomy appearance from without, being shut in by

[Constitution]

ARTICLE 65

The various ministries of the government are:

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1. Ministry of Foreign Affairs
2. Ministry of the Interior
3. Ministry of National Defense
4. Ministry of Justice
5. Ministry of Finance
6. Ministry of Education
7. Ministry of Economy
8. Ministry of Agriculture and Forestry
9. Ministry of Public Works
10. Ministry of Health

ARTICLE 66

The government may appoint a special Council of Ministers to deal with questions of national economy and defense.

The decree by which this Council is appointed shall determine its organization and scope.

TITLE III

Organs of the Local Governmental Units

ARTICLE 67

The people's councils are the governmental units in rural districts, communes, subprefectures, and prefectures. 631

The people's councils are elected directly by the people: those of the rural districts for two years and those of the communes, subprefectures, and prefectures, for three years. 666

The people's councils of the communes, subprefectures, and prefectures hold regular meetings according to special regulations.

ARTICLE 68

The people's councils direct their own administrative affairs, are responsible for economic and cultural matters within their jurisdiction, maintain order, see that the laws 632 623

[Constitution]

632 are carried out, uphold the rights of citizens, and pass local
623 budgets.

The people's councils make decisions within their own jurisdiction in conformity with the constitution and the laws, decrees, and ordinances of high departments of government.

ARTICLE 69

In the exercise of their local functions, the people's councils must cooperate with the people as well as the workers' organizations, and they should be inspired by their initiative.

ARTICLE 70

With the exception of the rural districts, the executive committees elected by the people's councils are the executive and administrative organs of these councils.

The executive committee is composed of a chairman, a secretary, and members.

ARTICLE 71

In the rural districts the executive body of the people's council is composed of one chairman and one secretary.

ARTICLE 72

The people's council of the rural district calls a convention to which it gives an account of its activities.

The rights and duties of the local convention are defined by law.

ARTICLE 73

The executive organs of the people's council depend on the people's council and also on the executive and administrative organs of the state.

ARTICLE 74

The people's councils may create special offices and sections to direct various administrative affairs.

The activities of these offices or subdivisions are directed by the executive committee and are under the jurisdiction of the people's council as well as the respective higher councils and ministries concerned.

592 a first-born may be inefficient, the mantle of a dead or dying head falls on the son who in the opinion of all the adult males in the household is the best fitted to keep it together, irrespective of whether he is the eldest or not.¹ This combination of birth and unanimity of choice gives these heads the strength of inevitability, so that they can be neither envied nor rebelled and intrigued against, but must be recognized and implicitly obeyed by their subordinates—a most important factor in keeping the peace.

619 Before the Turks left in 1912, the headship of a northern village
622 or tribe descended in the same family, always to the head it had chosen for itself. Since 1912 successive Albanian governments have slightly modified this system. In non-tribal areas like Mat, Martanesh and Shpat there has been less need for a change; as far back as we can go, the head of the average village or group of villages has been elected by the community for his personal qualities in the same way as the head of a house. A few villages of
[624] Mat, however, had long been ruled by the landlords (*begs* or *beys*) who owned them; after 1912 the power of these landlords, the Zogu family excepted, was curtailed by the central government like that of the bajraktars of the north.

692 In the old days the laws were administered as well as enacted or
695 revised by the ruling rank, who were collectively known as elders.

• [623] The system was elaborate, with public trials over which elders presided, and at which evidence was taken from witnesses on oath as well as from the plaintiff and the accused, and a jury might be asked to render a verdict. Fines were the usual penalty for petty misdemeanours, and temporary banishment, permanent expulsion or death for serious offences; a modified form of imprisonment

621 also existed. Offences against the cohesion of the social fabric, as
673 understood by the mountaineers, were reckoned more serious than crimes against an individual. Thus parricide was graver than fratricide; the first struck a blow at parental authority, an essential part of the social structure, but since one brother had no right to rule another except in special cases, fratricide was little worse than an ordinary murder and hardly a public concern.² The murder of a neighbour or the theft of his property seldom entered the serious category until the criminal became an habitual offender. Then the community, regarding the man as a social menace from whom none of its members was safe, took whatever action the law laid down for
his case.

¹ See Chapter V.

² See Chapter V, p. 38.

THE UNWRITTEN LAW IN OUTLINE

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his case. Since 1912 most of this administrative and penal legisla- 671
tion has been superseded of set purpose by European methods
and laws, whereas the social content of the old mountain code has
been left comparatively undisturbed, free to come into line with
the ways of the West in its own time.

The community sense was fostered by every art the mountaineers 621
knew. Each member of a household was encouraged to regard 186
everything in it and everything its other members said and did as 156
his own. The humblest man was encouraged to regard his village
or group of villages as his personal property. If home, village or
group of villages prospered, he rejoiced as if he had himself been
advanced. If they were insulted or injured, he burned to avenge
a personal affront. If they were disgraced by misconduct on the
part of another member, he felt his own honour to be smirched.
The patriotism so bred was narrow, perhaps, but it was genuine,
free from egregious self-seeking, and by its emphasis on the need
to keep the community's honour untarnished, a good deterrent
from crime.

This close relationship between individual and community was 623 ●
also a curb on dictatorship. The ruling rank had always to respect
the individual's property in the community's laws. They could not
make any change in an existing law unless they obtained the consent
of a General Assembly of their village or tribe. They could impose, 769
but (except in the tribes which maintained fine-collectors) they
could not collect fines; social pressure was necessary for that. In
a very common punishment, social ostracism, they might play no
more than a subordinate part. They could not pass heavy sentences
like banishment or death unless a General Assembly demanded
them, and if it did, they could not resist its will. In short, the
elders voiced, but did not dictate, popular sentiment.

They were no privileged oligarchy either. They might sit in the 621
seat of honour or get the lamb's head and eye at a banquet, but 565
they had no official residences, horses or guards of honour 559
provided for them at public expense. They lived in houses that
were often meaner than those of their subordinates; they ate the
same food and toiled in the same way in their fields and among their
flocks. In fact, the self-government of the Albanian mountaineers
went far towards being true democracy in the Anglo-American
sense of that much-abused word. In its primitive way it was really
government of the People, by the People, for the People. It had 200

692 ^{It had} its defects, of course; sometimes a judge took a bribe or a man bore false witness in spite of the deterrents devised against such malpractices. Yet the legal system worked well on the whole, was often speedier and always cheaper than any European counterpart, and [671] left few crimes unsolved. What chiefly precluded modern Albanian governments from adopting the unwritten laws, however, was their diversity. This was mainly due to the isolation in which the geography of their country compels the mountaineers to live, and the fact that they do not settle permanently at altitudes more than 3000 feet above sea-level, but live on the lower slopes of the mountains enclosing their settlement and in summer graze the upper slopes as far as the mountain crests, where a carefully demarcated boundary indicates the end of their property.

- 623 Communications were as dangerous as they were difficult. As a result the principle of delegating one man to represent a big geographical unit was not established until modern times. It was regularly practised in small units, where the delegate had to travel only a short distance, and that through known, if not friendly, country. It was enough that one man should represent his house at a General Meeting of his village or tribe, but it was unthinkable to the mountaineers to hold General Meetings at which laws for the whole area might be passed as in an English Parliament. At best two adjoining communities might meet to settle a dispute about their common boundary or a road or forest, and after much argument make laws about the matter that were binding on both.
- 671 More usually, a village or tribe drew up or revised rules for its own governance without any regard to what others, ten, twenty or fifty miles away, were doing. The outlines of a law might approximate in different groups, especially if there had been some ancestral connexion between them, but the details of the law were as varied as the minds that shaped them in the various communities.

[693] 320 The isolation in which it lived bred a fierce individualism in each community. This prevented it from submitting to the laws of another, except in an emergency. Then it might call in an elder from outside to decide a case and afterwards consider his ruling law. Such an elder had to be specially renowned for wisdom and sound judgement, and with one known exception his influence never ran far beyond the distance he could ride in safety and comfort from his own community.

That exception was Lek Dukagjini, an ancient law-giver of such
 1/2 the legal system. -- Analyst

would not recognize them and when A came to till his field, B's dog would treat him as an intruder and bite him, and he would have no legal claim to compensation for the injury. It is not known if this law obtained elsewhere, but the common sense on which it is based makes it probable that it did. Again, in the Moslem villages near enough to Elbasan to conform to the rigidity with which Moslem townsmen secluded their women, it was not permitted to make windows in a wall overlooking a neighbour's farmyard; the latter's womenfolk must be free to move about their yard unwatched. This ban on windows—which was Moslem, not Albanian—hardly extended to remoter Moslem villages, as women there enjoyed almost as much liberty as did their Christian ancestresses.

A man's ownership of his house and land was so absolute that he and his might emigrate temporarily or for good without losing their title to either house or land. Even if the family absented itself for a hundred years, no one might squat on its property. If the emigrant, before leaving, sold his land 'together with all that is on it', and one leaving for good usually did so, the piece constituting the site of the house remained his in spite of the terms of sale, and so long as one stone stood on another, no one might use the site. In Mirditë, however, a fixed term was set to this law; if the emigrant did not return within ten years, his house might be occupied by whosoever wanted it.

Every dwelling that emitted smoke might have one or more of the following accessories—yard, vegetable garden, field, road, boundary and, in suitable latitudes, vineyard. Of these the boundary and road were the most indispensable.¹ Every owner of a dwelling that emitted smoke had a right to graze his animals on the summer and winter pasturage owned by his village and to cut firewood and timber for his own use in the public coppices and forests. If he cared to build a bothy for his shepherds on a summer pasture or to break in ground for a field or vegetable garden on a common near his village, he was welcome to do so. He must first secure the consent of the elders of the village, who generally put the common weal before individual convenience. Their permission given, no one could stop his tilling the ground, nor turn him out. Theoretically every dwelling that emitted smoke should also have a portion of irrigation water, but the right to sell water often made this provision a dead letter.

¹ See Chapters VIII and IX.

392 out for that reason. If the brothers were not on good terms,
 428 division by the eldest caused quarrelling, the others accusing him
 of robbing them and he retaliating in the usual manner. If they
 were on exceptionally bad terms, even distant relatives feared the
 unpleasantness that was bound to follow their best attempts at
 a fair division. For all these reasons the choice generally fell on
 [623] elders. Their drawback was their need of a fee, but it was generally
 thought better to spend money on a fee than to quarrel with
 a brother. These principles were at the back of the various
 practices in different places. When the choice was between
 neighbours and relatives by marriage the latter were preferred
 because they were always more trusted. Each brother put in his
 own man.

In Perlat the father was never allowed to divide his property,
 elders or relatives on the male side must do so, and when they were
 at work, neither the father nor the sons might put in their word. In
 Martanesh the same fear of favouritism prevailed, and elders or the
 neighbours in bulk carried out the division. In south Dibër the
 local notables did so, their influence being thought to counteract
 any tendency to break the peace over the division. In Godollesh
 separation had always been on an official basis; it was arranged by
 the headman of the whole village and his two assistants, as it had
 been in Turkish times by the headman assisted by an elder from
 each of the six quarters of the village; it is to be noted that no fee
 was taken by these elders because separations had always been part
 of their official duties. In Shijan the separation might be entrusted
 to the husband's or wife's relatives since they were interested in
 preserving peace in the family, yet had no personal interest in the
 division. In any area, when brothers were on really bad terms,
 complete strangers from another village might be called in to
 arrange the separation.

When the brothers decided to engage elders, they engaged one
 between them if they were on good terms; if not, each put in his
 own man. In Mirditë they might engage two, four or more elders
 according to the amount of work to be done.

Portions were allocated to the brothers by their own choice or,
 more often, by lot. In the very few cases where the brothers were
 completely friendly, the eldest said to the youngest 'Which field
 will you have, this or that?' Then he took for himself what was left.
 If the second coveted the field chosen by the youngest, they drew
 1 [i.e., to divide the food and property of a household at the
 a time of separation--Analysis]

592 This third person threw the token stones on this portion or that.
 428 In Godolësh there was no intermediary. Each brother gave his
 592 token to an elder in whom they all had confidence. As they were
 777 selecting their tokens, he arranged tokens of his own on the ground,
 naming each aloud for the various portions of the land or house.
 He carefully refrained from looking at the brothers' tokens and
 threw them blindly one after another on his own. 'Here is the
 sitting-room, good luck to it. Here is the kitchen, good luck to it',
 he said of the house. Each brother then claimed his token and
 accepted his portion. With a similar phrase of good omen the elder
 divided the land. In Lumë there might or might not be an inter-
 mediary. The elder taking delivery of the tokens might place them
 himself or, if afraid he would be suspected of dishonesty, he might
 give them to another man to do so. Well-omened phrases were
 used, such as 'The luck of this stone lies there and of this twig
 here'. In the Malësi e Madhe the elder said which portion the bits
 of stick each represented, then drew them, as would be done in
 England. Here the procedure seems influenced by the European
 education of the priests.

623 The commonest fee for an elder dividing property between
 428 brothers was two or three napoleons, but it might be as low as one
 or as high as ten. Everything depended on how much the brothers
 quarrelled over the division, and how hard they struggled against
 yielding one to the other. In Perlat the elder made a distinction
 between rich and poor, asking a sheep from a rich family but only
 a kilo of coffee from a poor one. In Mirditë he had the right to
 a sheep and a money fee as well; the latter was as agreed. In Lumë
 'it does not do to have an elder without a sheep'. Wherever, as in
 Godolësh, officials arranged the separation, no fees were charged.

408 Everywhere one meal at least of meat and rice pilaff must be
 574 given to whoever came from outside the family to separate the
 brothers. If these had no flocks, they must buy meat from someone
 who had. The expense of these meals, which was heavy for people
 so poor, was shared by all the brothers, the animals being taken out
 of the common stock before it was divided and the money for the
 rice, coffee and, if necessary, meat out of the common purse before
 the settling up of accounts. These meals were the first charge on
 the family property.

All stages of the division were watched by neighbours. Before
 the persons negotiating the separation sat down to the final meal,

SEPARATION OF BROTHERS

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they reminded these onlookers how everything had been divided. 428
 Then if disputes arose later between the brothers these could bear 674
 witness to the division. No documents were drawn up, the oral 722
 testimony of the witnesses in general, and in particular the mute
 testimony of the boundary stones, was enough for the unwritten
 law. Where a dead father had held title-deeds, these were distri-
 buted appropriately among the brothers, but such cases were few. 578

Too often, the division was followed there and then by disputes. 428
 Most frequently they were about the land and due to greed, for
 each brother knew that on the portion allotted to him on that day
 he and perhaps unborn generations of his descendants must live,
 and he naturally tried to make it as large as possible. Sometimes
 a brother was rightly disgruntled. Dividers were human enough
 to make mistakes; an eldest brother sometimes tried to cheat when
 dividing; at times even an elder showed favouritism. In such
 cases the division was revised, an elder dividing instead of the
 eldest brother or a second elder instead of the first, on the usual
 'elder after elder' basis. Or instead of having one elder between
 them the brothers might each put in one for himself; in this case
 they must all stand aside and leave the elders to fight things out.

Not infrequently one brother was simply cantankerous. Then 623
 the easiest way for the elders to make him see reason was to exercise 574
 their right to have all their meals at the family's expense until their 428
 work was done. They might go away, leaving the division incom-
 plete and refusing to return until he bent his stubborn neck and in
 person fetched them back with promises to be good. This meant
 an extra meal, an expense that even the trouble-maker deplored in
 his heart, if not openly. As it was, surely unfairly, shared by the
 reasonable brothers these were from the first careful to do nothing
 to excite the other further. There was no difficulty about extracting
 this meal, as the commonest source of trouble, the land, was
 always divided before the livestock.

A story of Turkish times from Godolesh shows the elders
 taking cruder but no less effective steps to settle matters. A family
 at the top of the village refused to accept the division they proposed.
 'Where is your best ram?' asked the elders the first day, and ate the
 animal. 'Where is the pot of *bekmès* (boiled grape juice)?' they
 asked the second day, and emptied this. 'Where is the butter jar?'
 they asked the third day, and devoured that. The brothers then
 came to their senses and allowed the suggested division to proceed.
*I [concerning the division of land at the time of
 separation of brothers - Analysis]*

491 till. In the first case he might have his house or field adjoining the
 423 road and find his dog biting strangers and shot for its pains, his
 children killed by passing horses or cattle, and his crops, vegetables,
 vines or fruit damaged or plundered. Or the road might cross his
 field necessitating a fence on both sides, thus preventing his sheep
 from passing freely from one part of the field to another, besides
 involving him in expense for making and maintaining it. In the
 second case he might wish to plough up the road, a good plea since
 the law said 'Agriculture can move a highway', and more pithily,
 'spades can shift roads'. If the elders on investigation considered
 his request justifiable, they gave him leave to close the old road.
 They required, however, that he should provide a satisfactory
 substitute, not by a stream where sheep might drown or across
 a precipice where they might break their necks; if the precipice
 could not be avoided, the rock had to be blasted away with dynamite.
 The new road could not be far from the old one, a distance of
 200 metres being the maximum allowed. It had also to be made
 by the man's own unaided efforts, without any help from the
 community, and it had to be well made. If it was poorly made,
 the man suffered himself when he came to grief on it and had to
 pay damages when another did so; he was also laughed at by his
 neighbours as a foolish creature who did not know how to make
 a road; often they went and reopened the old road. In Fulqet it did
 not matter if the public was inconvenienced by the change; the
 law said 'land must not be spoiled'. In the Breg i Matit, on the
 other hand, the new road had to be shorter and so more convenient.
 A curious point in Krasniqë was that if a man ploughed up his
 field he could reduce the public road to the width of a footpath;
 this was little more than a gesture, since oxen and horses could not
 in any case use the road after the field was sown and a footpath was
 wide enough for other traffic. In Martanesh it was never lawful to
 plough up a public road, perhaps because the fields were few and
 very scattered, and the roads few, long and often dangerous.

491 In case of clear necessity an old public road might be moved on
 423 the initiative of the elders. If, for example, it was inconveniently
 crooked or became a morass in winter, they could divert it to better
 423 ground. The old road became the property of the man whose land
 adjoined it. The men whose land was taken for the diversion
 received no compensation. They often threatened to kill the elders,
 but for sole reply received an exposition of the law; they might

shoot as much as they pleased but could not have their way; the village could not be shut up by mud, and the public good overrode private loss. The new road was a permanency and could not be closed or moved back to the old site except by the elders. According to Vatë Marashi, the bajraktar of Shkrel, it was easier to move the bad road than to try to mend it. If it was under water, all the owners of the land through which it ran had to unite to repair it, making a ditch, repairing bridges and so on. But they had to decide unanimously to repair it; if even one hung back nothing could be done. The ditch too could only be made where there had once been one before. And men whose land was some distance from the road would object to having the water diverted from the road towards their fields.

New roads were constantly being opened, if only because brothers were constantly dividing their father's property and setting up separate establishments. For the law said 'every field must have access to a public highway' and 'every house must have its road'. Consequently, the elders supervising the separation were careful to specify the exact direction and character of the old roads which the brothers might use and the new ones which they might make to and from their houses and fields. The laws were the same everywhere. If there were two brothers, each took half the father's field. When there was no cultivated land beyond this they might make no path at all or they might make a little path along the boundary between them, only two spans in width, as this was enough for their own needs. Naturally each set aside land for half its width; as this could not be worked, it was soon grass-grown. When there was someone else's field beyond their own and there was no other way of entering this, they were bound to leave a track wide enough for a horse laden with panniers of manure or for a pair of plough-oxen. As with a field-path the land for this track came from each.

A more complicated case occurred if three brothers inherited a field which had a public highway running along its length, and was divided into three longitudinal strips with the boundaries parallel to the highway. Let it be supposed that the family home remained in the central strip. A road to the highway from the inmost strip was a prime necessity. It was most economically made by constructing a path to the old road that connected the family home with the highway. But the new owner of the central strip might

423 informant in Bytyç their business was to prop up the big stone. The association of the three, one big and two small, was so distinct that it could be seen at a glance that they were boundary stones.

In old days, in places as far apart as Kurvelesh in south-west Albania and Lumë in the north-east, some pieces of charcoal, generally three, were put under the big boundary stone; in Lumë a fragment of tile was added. Centuries might pass, but charcoal and tile remained as imperishable evidence of the true line of the boundary. In case one neighbour charged the other with moving the stones the elders dug these up; if they found no charcoal under them they knew they had been moved and dug all round until they came on charcoal and with it the original boundary. A man who went to move boundary stones always went on a dark night when the buried charcoal was as invisible as himself, and so far as was known his ingenuity never ran to taking a handful with him from home.

Boundary stones were set up with all the ceremony befitting a mark that was to last for ever. All the members of the families concerned, the village elders, as many children and youths of the village as possible, as many men from neighbouring villages as possible and all the tribal elders gathered to witness the event and to preserve its memory for their lifetime. When the entity to be divided—field, farmyard, vineyard, etc.—had been measured with a rope or by pacing into the required number of portions, the elder chosen to delimit the boundary put any chance stone and a clod of earth on his right shoulder, and after swearing upon his soul to delimit justly, moved forward along the boundary line followed by all the witnesses. It was his duty to walk in a straight line in order to iron out every possibility of future conflict—‘a boundary mustn’t twist’ said the law—but if he deviated slightly no one could correct him; it was his responsibility. All the objector could do was to say, ‘Well, lead the way and if you don’t act righteously may that weight lie heavy on you in the other life’. At the two ends and in the middle the elder—no one else—dug a hole in which he set up the big stone at one end, packing the smaller ones round it. When he finished, he laid his hand on the big stone and solemnly cursed anyone who should seek to move it, saying in Mirditë, ‘Whoever moves this stone, shall be weighted down with it in the life beyond’. In Lumë the curse was vaguer, ‘Here are your boundaries, men’, said the elder. ‘Don’t move them because it’s bad’—in this world where quarrelling results and in the other

BOUNDARIES

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where damnation follows. When the last big stone was in place the witnesses fired in the air to signify that the ceremony was over. 423
789

When a geographical feature was available, it was often utilized as a boundary. For instance, an irrigation channel might be recognized as such. The dividing line between the neighbours then ran down the middle. It could not be diverted or otherwise interfered with by either neighbour, since it contained running water and had been made long years before—a point that gave it the permanence indispensable in a boundary. In Mirditë a very old tree sometimes marked the division between two pieces of land. In all areas growing trees of any age might outline forest and even village boundaries. Notches were cut in each; all the ground this side of a notch belonged to one neighbour and all on that to the other. Between big units such as villages or forests, though not small ones like fields or houses, a watershed or a torrent bed often formed the boundary. 'God has separated the two; nature has decided their boundaries', said the people of such cases. Sometimes a road was the boundary between the villages; a field-path was never important enough for this purpose. Finally, in some groups of villages near Elbasan, such as Godoles, Griqan and Labinot, there was so much buying of land in one village by natives of the others that no very definite line was drawn between their territories, though the boundaries of individual properties were as clearly marked and as fiercely defended as they were elsewhere. In the north, since no outsider could buy land in a village, there was no fluidity of boundary, whether village or private. 609

The delimiting elder was usually one of the recognized elders of the village. Sometimes only one was employed, more often there was one for each new neighbour, and in sprawling areas like Martanesh ten or even fifteen men might be asked to help. In Shijan elders often worked only 'for the good of their soul' and took no fee; elsewhere they charged one to two napoleons according to local rates. In Surroj they asked no less than four napoleons but seldom received them; to save this heavy fee, the older of the new neighbours set up the boundary stones, and only if he seemed to be cheating did a younger man think it necessary to call in an elder. That elder carried the earth and stone of the oath on his shoulder. In Çermenikë, however, he carried them in his hands and in Labinot he did not carry them at all, only spoke of doing so. Both these usages seem degenerations from the original. The 623
789

623 expression 'to take on the shoulder' which is frequently heard in
 769 speech all over the country in the sense of 'to destroy' or 'to ruin',
 seems to derive from this obviously very ancient method of making
 oath. 'If I don't act justly, may I carry this weight in this world
 and the next', the elder swore solemnly as, irrespective of whether
 he was Catholic, Orthodox or Moslem, he embarked on his
 delimitation. In most cases he believed that if he were unfair the
 earth and stone would punish him literally as he said. 'Earth will
 rot us all one day; we can't put it lightly on our shoulders like
 a stone. It's a very serious thing; we stake our soul by touching
 it', were some of the expressions used to explain the general fear.
 Some men were so frightened of the dread symbols that they
 would not undertake to delimit a boundary, saying, 'It's a serious
 business to undertake such a thing; it brings you up against God's
 justice'. A few others, it must be confessed, were sceptical enough
 in consideration of a bribe to defy the consequences of perjury
 and to delimit unfairly.

423 Boundary stones then were set up by elders in the presence of
 527 witnesses as an abiding memorial to the ownership of the land
 they outlined. 'A fence may rot, a boundary does not', said the
 proverb. 'Let ever so many be killed; a field, or mountain,
 a vineyard cannot be seized by force; the boundary stones say who
 is the lawful owner', was another aphorism. In many places it was
 customary, generation after generation, to 'ride the marches' once
 a year so that the old could show the young where the stones were
 and so forge the next link in the endless chain of memory. Like
 its British counterpart, the custom gave occasion for a public
 holiday. Often performed, as in Nangë, at the spring festival of
 'Summer Day', all men and boys in a village went round every
 known boundary in it. They saw that the boundary stones were
 still in place and not sunk out of sight, noted their position, and
 cleared away thorns and other concealing overgrowth. Often, as in
 Nangë, they were led by gypsies banging joyously on drums.

423 It was thought a sin to move boundary stones, since they had
 685 been set up in such solemn circumstances by elders, the highest
 783 tribal authorities. But land-hunger was so prevalent that the sin
 was all too common. With the lapse of time, too, boundary stones
 might sink out of sight in the ground and the boundary line be
 obliterated. Disputes over boundaries were consequently endless.
 To prevent them there were various deterrents. Men of weight—

628 the quickest, the second tried when the first failed, and the third
423 when the second failed. In practice recourse to the authorities was rare and seldom as effective as action by elders.

[695] When settlement was made by the parties themselves, one of the two men quarrelling might exclaim, 'Well, take it on your shoulders'—there was no need to specify what—and set up the stones'. 'All right', replied the other as he bent to pick up a stone or a clod of earth or both to put on his shoulders. 'May I carry it on my shoulder in this world and in that if this ground isn't mine', or 'May I carry this stone and this earth and the whole wide world', he proclaimed as he swaggered off along what he said was the boundary line. Provided four or five witnesses were present this ended the dispute. Either oath was too solemn to be gainsaid. The second in particular was convincing: who would do anything as grave as to take the world on his shoulder for the sake of an erring rope in a measurer's hand? Four or five friends of both parties attended as witnesses. Fear of being asked to take this solemn oath was a considerable deterrent against disturbing the stones. Sometimes the older disputant took an oath, with or without earth or stone, that the disputed land was his, and so proved his title to it.

When the boundary had been recently delimited the disputants might consult their other neighbours, especially if these were older than they were themselves. Or they might ask the opinion of one, two or three very old men from another village as likely to be impartial. If they consulted only one, they had both to consent formally to employing him. Sometimes, when a dispute was dragging on interminably, an old man cut in with an offer to show them where the boundary was, with earth and a stone on his shoulder.

When friends or neighbours were called in they might settle the dispute by arguing. When old men were asked, they had to point out the boundary afresh but not till after they had taken earth and a stone on their shoulders and made a solemn oath to carry these through all eternity if they delimited falsely. When the old men were from the same villages as the disputants, they were unpaid; when from another village they were each given a Turkish pound.

627 By the second method of settlement the elders in Munë took two
● 623 or three napoleons from each disputant as a pledge of his future
423 behaviour, and arranged for five or six elders as well as some
[of boundary disputes—Ana 1957]

ordinary householders to meet at an early date at the boundary. In the presence of the assembled company the claimant swore with earth and a stone on his shoulders that the boundary was where he said. The elders then dug to see if they could find the stones. If they did they gave judgement in the claimant's favour and vice versa. If the losing disputant did not accept their ruling they kept his pledge. In Martanesh, according to Mr Lef Nosi, the case was entrusted to a single elder. First he tried to decide it by questioning the neighbours of the disputants. If he doubted what they said he put them to the ordeal of an oath on bread and the Koran. If he still thought one or more of them was lying he bade them set up the boundary stones where they wished. If they dared to do so he could say no more, but sometimes they jibbed at this final perjury and then his judgement prevailed. If the loser objected to his allowing the neighbours to mark the boundary, he hushed him by bidding him let them perjure themselves and then offering to indemnify him out of his own pocket for his loss, but here the elder was on safe ground. Shame prevented the loser from accepting this offer. 623 627 423 [695]

When the elders failed to effect a settlement the injured party in Shijan complained to the government—not always unsuccessfully. Shijan was so near Elbasan that the government's writ ran there even in Turkish times. In many other places, in modern as in Turkish times, it was thought that if elders had failed it was useless to apply to the government, and a shooting match began. In Lumë the man who had taken the oath with earth and a stone took the initiative. In a fury at finding he had risked his soul with an oath for nothing he apostrophized his absent enemy, 'I put the stone on my shoulder. You could have done it, but you wouldn't. Now I'll kill you.' When he succeeded the bitterest of feuds started. Sometimes for greater ignominy they beat each other with sticks. This too started a bitter feud.

When bigger units disputed a boundary each party generally engaged an elder, paying him a fee of 250-500 grosh in Martanesh in Mr Lef Nosi's time, against 50 for a quarrel between individuals. Elders, disputants and witnesses crowded to the boundary, where the elders questioned and argued interminably. If they failed to come to an agreement, murder soon followed. When both sides were sickened by the shuttlecock of the feud they called in famous elders from another unit who could not possibly have an interest in 628 623 423

623 the matter and asked them to set up the boundary stones where they
 628 thought right. But sometimes many lives had been lost in the
 423 interval. Once the elders of Bytyç found, when summoned to
 intervene in a boundary dispute between Gash and Krasniqë, that
 in two days it had cost the lives of 124 men.

Characteristic processes often marked the arbitration. For
 example, when two village wards quarrelled in Çermenikë, the chief
 elders of the village summoned two of the oldest men in each and
 questioned them separately in the presence of witnesses. If their
 answers tallied, there could be no more question where the boundary
 lay. For ratification the old men were asked to walk along it, earth
 and stone on their shoulder, or to swear formally to its being the
 correct line. If there were discrepancies in their answers, the
 dispute was referred to the government authorities in Elbasan or,
 more probably, to elders from another village. If two villages of
 Kthellë quarrelled the three bajraktars went with the leading men
 and a sufficient number of hangers-on to the boundary. One
 village said where the line was, the other contradicted this. Finally,
 the most important of the bajraktars, lifting a stone set it on the
 shoulder of an old, wise, upright man and bade him set it down
 exactly on the boundary. When he had done so the line was
 established beyond controversy and no more murder could be
 done for it.¹

423 To begin with the bloodshed method, if different villages or
 628 tribes were involved, when men quarrelling over a boundary or
 425 shepherds jostling over a grazing ground killed each other at the
 very time that the boundary was being delimited, there was no more
 need for elders. The tribal or village boundary was where heaps of
 stones marked the graves of the murdered men. If it was from
 a distance that they killed each other, the boundary of each village
 or tribe was by his grave and the ground in between became the
 common property of both. If one was only seriously wounded and
 was able to stagger or roll himself along into the foreign territory
 before he died, a cairn of stones was piled over him where he died,
 and though in foreign territory, became the boundary of his village
 or tribe. Boundaries so established were the most permanent; the

¹ In Mirditë boundary disputes between villages and tribes were sometimes
 decided with bloodshed or a rock, obviously very primitive methods. Indeed
 the latter, a glorification of physical strength, seems to antedate the discovery of
 gunpowder.

In certain cases the bajraktar and the local headman could act alone. For example, in case of sacrilege against the church they had power to pronounce even a death sentence. In practice, however, they preferred to consult the tribe and the ecclesiastical authorities. After the Young Turks introduced their constitution in 1908 they tried to make everything in Albania very legal and proper. If land was bought, for example, they required a deed of conveyance where the word of witnesses had formerly sufficed. The best lawyer in the land might write out the document and great men witness it, but it had no legal validity until the bajraktar and local headmen had affixed their seals. [688] [42]

As a legal figure the bajraktar had special weight. If called to serve on a jury of twenty-four men, his single person was counted equal to the twelve jurors left unnamed by the elders. A peace made in his presence was particularly binding. If at all distinguished he was often called in by another tribe to settle a dispute that had baffled its own elders. In his own tribe, besides acting as judge in many ordinary cases, he was ultimate referee in all difficult cases. Boundary disputes, the most fertile source of trouble among these land-starved tribes, were often referred straight to him for settlement. Disobedience to his ruling might entail the worst penalties. Particularly in the Malësi e Madhe, he and the local headman had power to appoint elders to settle a quarrel. If these failed to do so, or were found to have based their decision on a false oath by one of the litigants, it fell to the bajraktar and the local headman to reopen the case and to pronounce a final judgement. If a headman judged a case and gave a verdict the bajraktar disliked, he could upset this verdict and substitute one of his own. But neither headman nor elders could upset his judgements; these were always final and unalterable. [692] [23]

All the above applies to the non-tribal areas of central Albania as much as to the northern tribes. Mus Ballgijini of Çermenikë, for instance, was almost more famous as a law-giver than as a military leader. By a seeming exception the bajraktar of the Perlat tribe of Kthellë did not judge but left such matters to the elders. The explanation of the anomaly probably lies in his notorious incompetence. It was every bajraktar's province to judge in peace as well as to lead in war. [691]

In all areas the jurisdiction of the bajraktar was subject to certain limitations. If the commoners did not like one of his decisions, [692] [the local military leader and administrative head-- Analyst]

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BAJRAKTARS

692 If the commoners did not like one of his¹
 [622] even if made in concert with the headmen and elders, they were not bound to abide by it and could compel him to re-examine the case. Neither he nor a headman could, singly or in combination, fine a tribesman without first securing authority from the tribe. After all, he and the headman might have a personal grudge against the man and might fine him for no other reason. To take an example [69] from the non-tribal valley of Bulqizë, Miftar Meta the bajraktar and Lam Isaku his assistant were much respected and admired but they had no power, on their sole responsibility, to fine a man from Fushaj, their own village. Still less had they power to fine a man from another village in Bulqizë. They could not act in either case [623] until they had secured the backing of the culprit's village at a general meeting. Nothing less, it was felt, guaranteed the impartiality of the sentence.

693 If a bajraktar misconducted himself, all the headmen and
 623 commoners of his tribe, or possibly the commoners alone, sat in judgement on him. They could not ostracize, expel or burn him out like an ordinary criminal; he was too inherently a tribal institution for that. But they could, and did fine him. In 1907,¹ the Kryezi tribe assembled in plenary session, one man from each house, and fined its bajraktar and headmen 100 rams and an ox for some judgements they could prove to have been unjustifiable and prejudiced. The commoners could also ask an erring bajraktar to give a rifle or other valuable as security for his good behaviour in the future.

693 The misconduct for which a bajraktar was fined was seldom more heinous than sending his sheep to pasture on another's ground or pronouncing a biased judgement. On the whole, each was so carefully selected and trained by his predecessor in office that he rarely committed the graver crimes. When one did, he was sure to be so 'strong', i.e. influential, that the tribesmen thought it more prudent to close their eyes to his iniquity. There was much grumbling at the venality of bajraktars, but neither the tribal law nor the Turkish government took cognizance of this offence. If

693a bajraktar¹ serving as judge or arbitrator, took a bribe, the only
 687 remedy lay in the individual tribesman's freedom to choose another law-giver next time. If a bajraktar accepted a 'present' for doing a favour, there was no remedy at all. His victim could only comfort himself by noting how God, or Allah, punished such greed. It was
 1 the bajraktars - Analysts 2 the local military, administrative and judicial head - Analysts
 See Appendix, Document XII, p. 271.

621 of Turkish rule these were the famous law-givers Dedë Lleshi and
 622 Likë Gjegjaj. Again, when Per Dedë Ndoj was senior headman of
 the village of Gojan in Mirditë, he took the lead in publicly executing
 a man of his own kin, Buçaj, for murdering a guest who belonged
 to the Martinaj kin in the same village. The story is related by
 Father Gjeçov.

623 This fifth type¹ was the recognized superior of the sixth, the body
 of men who were unitedly called 'village elders'. These consisted
 of all the brotherhood and kin elders in the village as well as the
 [634] village elder himself. For instance, in the district of Kurbin there
 were sixteen villages, each of which had its 'head (or village) elder'.
 But according to a document published on p. 129 of Father
 Gjeçov's book² there were altogether forty-five elders in Kurbin.
 Besides the sixteen 'head elders' there were twenty-nine ordinary
 'village elders', some of them kin elders and some brotherhood
 elders. In Mirditë these village elders were known as 'canon
 elders', because it was their business to see that the law was
 respected and applied. To avoid confusion between the single
 village elder and the body of village elders these will henceforth be
 alluded to as canon elders.

634 The document mentioned by Father Gjeçov introduces us to
 the seventh type, a personage styled 'chief elder'. In the document
 he was chief of the 'forty-five elders of the region of Krujë'
 (i.e. Kurbin). There is no explicit information of how his position
 came to this man or whether it was hereditary in his family. It can
 only be inferred that as he was a Përvizi of Skuraj, and this family
 led Kurbin, the position was hereditary and a tribute to the
 outstanding strength of his family. In so large an area as Kurbin
 there could not be any question of all the villages being related by
 blood and owning allegiance to Përvizi as the descendant, master
 after master, of the master of the ancestral household. In other
 districts where a chief elder existed, it may be assumed similarly
 that he owed his position to the personal qualities of his family
 rather than to its descent.

Some other kinds of elder were found, both among the southern
 tribes and elsewhere, but it will be easier to understand their
 position after the characteristics and functions which were common
 to the elders have been elucidated.

554 - Viewed as a human being, an elder was an ordinary man without
 privileges other than the corner seat, head of the roasted animal
 1 [of elder -- i.e., the senior headman -- Analyst]
 2 [Cat. 116, pp. 12-15 -- Analyst]

ELDERS

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compulsory. Any who failed to attend and could not justify their absence were fined. Together with the general public, they had to investigate complaints against a senior elder or a bajraktar, and if they found him guilty, they had to fine or ostracize him. In their attempts to prevent breaches of the peace they were entitled to try any method from peaceful persuasion to forcible restraint by the whole village. When, for instance, a tribesman refused to accept a judgement that was demonstrably lawful and unbiased, they could call a General Assembly to discuss the case. A public fine generally ended the man's obduracy. If not, the village elders could ask all the headmen and 'soldiers' of the tribe to come and bring him to his senses by threatening to destroy his house and property. They continued to apply the old law, the public preferring these methods to those of modern officials.

Canon elders were subordinate to the bajraktar and the voivodes of their tribe, acting as their assistants at General Assemblies.

In non-tribal districts like Shpat and Martanesh the canon elders of Mirditë were represented by a body of men called 'local elders'. These were hereditary, found in every village and restricted in their law-giving to their own village.

Another type were called 'specialist elders' in the southern tribal areas, 'regional elders' or 'mountain elders' in Martanesh and plain 'elders' in Theth. The great majority owed nothing to heredity and everything to themselves, being ordinary men who had gradually built up a reputation for good sense, conciliatory temper and especially knowledge of the mountain law. A few were hereditary elders who had displayed the same qualities. Except in a few unusual cases they did not hand on their gifts or their position. As it required time to build up their reputation, the generality were older than hereditary elders when they attained this position. They began by settling petty troubles within their brotherhood and gradually as their reputation grew, they extended their sphere of action to their kin, village and district in succession. A brotherhood elder must not interfere in another brotherhood, a kin elder in another kin or a 'local elder' of Martanesh in another village. But the specialists might travel far and wide outside their own social unit judging and arbitrating wherever required. Provided that they judged according to the law, their judgements were binding and overrode any delivered previously by a local man. As gifted men do not arise at will, they were never common but were found only

693 here and there. After the introduction of modern codes of justice
622 they had little chance to emerge.

634 Above all elders, in both Mirditë and the adjacent tribes, came the Gjomarkaj family. This family was regarded as the source of all knowledge of the mountain law and represented the final court of appeal. The villagers of Martanesh carried many of their graver troubles to its head, but at the same time had often a 'special elder' whom they consulted in such cases. Selim Peshku, who died about 1910, was the latest example. The tree under which he sat dispensing justice in Martanesh is still shown. In the north the bishop
[793] or a specially gifted priest was the ultimate referee. They were consulted not so much for their knowledge of the law but because of their reputation for probity.

- 623 Functionally the brotherhood elders of Mirditë were represented in the Malësi e Madhe by the 'ward elders', who ruled and judged in their own small community, the village ward in which they lived.
- (651) They were more commonly called *gjobtarë* ('fine-collectors') from their primary function of collecting fines. As legal functionaries they resembled specialist elders rather than brotherhood elders because they were ordinary tribesmen and owed their position as elders, not to hereditary right, but to special appointment. They were selected, however, not by the public like the specialists, but by the local bajraktar or voivode. On taking up an appointment to judge or arbitrate they were known as 'soul elders', on account of the solemn phrases with which they were commissioned. The commissioning bajraktar or voivode first asked, 'Do you pledge your souls, elders, that it was so?' On receiving their assent he laid a stone on the ground before them, saying, 'With body and soul, with a stone in front of you and with God's justice set these two people straight in any way that you can see'. It goes without saying that only upright men were willing or were asked to accept a charge laden with such danger to their soul after death. These northern ward elders had no connexion with the ward elders of Godolesh near Elbasan, who were seven in number for the six wards (*inëhallë*), all subordinate to the paid non-hereditary headman and his two assistants.

- 695 Another functional type, which was most important for the repression of crime and was found everywhere, was constituted by 'juror elders'. When trying a case, the judging elders might decide to make one of the disputants take an oath that he was not guilty.

CHAPTER XIV

GENERAL ASSEMBLIES

619 Turkish suzerainty affected the life of the remoter areas so little that each tribe, and in non-tribal areas each region, was virtually a self-governing unit. The governing bodies in tribal areas were the General Assemblies and the Partial Assemblies. In Turkish times these meetings were often called *mexhlis* (from Arabic '*majlis*' meaning council, assembly, parliament). *Kuvend* is the Latin '*conventio*' (gathering) in Albanian dress. In non-tribal areas regional or village assemblies corresponded to the general and partial assemblies of the tribes.

The General Assembly was usually a tribal gathering, but the word *Kuvend* was used by the Albanians to indicate the national parliament during the German occupation in 1943-4 when Albanian nationalism expressed itself in rejecting the use of words of foreign origin.

In the fifteenth century there was a *Kuvend* of great historical importance when the men of the region of north Albania met to hear Lek Dukagjini, the lord of the extreme north, debate points of law with Skanderbeg, the lord of north central Albania.

[634] Tribal assemblies brought together one or more tribes. These were plenary, attended by the whole tribe (or region) on the basis of 'one man from each house'. They were convened and presided over by the highest authority available. This was the *bajraktar* in most tribes, but one of the *Gjomarkaj* family or a *bajraktar* in Mirditë. In Dibër, Mat and Kurbin it was the head of the leading family, and in Çermenikë the regional elder. Miss Durham found the president elected in Theth, and stated that this innovation was spreading. Where a General Assembly of two or more tribes took place the meeting resulted from a conference of the chief men of each tribe, convened by the highest dignitary in each tribe and presided over by the highest of these high dignitaries.

613 Partial Assemblies too were plenary and were convened and
623 presided over by the head of the unit concerned. The more important were formed by a village or a kin. In a document preserved for

us by Father Gjeçov,¹ the last clause announces that though the Pecnikaj kin of Shalë laid down the law enunciated in clause 2, it had the support of the Lotaj, Abati (Abat) and Bobi (Bob) kins in doing so. Its first and its fourth clauses consider the adhesion of the brotherhood of Theth as well. Occasionally there was a partial meeting of a brotherhood, and at the bottom of the scale there were household meetings at which the master set some common problem before all the men in the family. 613 623 593

Generally speaking, assemblies of all types took place at irregular intervals, to meet some special need, though the demand that they should be called regularly once a year was not unknown.²

When a kin or smaller meeting was in question, the convener sent anyone he could find to call it. Bigger meetings were summoned by word of mouth by the public messenger. In Mat a gipsy beat out the summons on his drum and in Shpat church bells were rung. 202

Attendance at a plenary meeting was compulsory, non-attendance punishable by a fine. For instance, an elder of Kurbin who failed to turn up and could not satisfy the other elders that his absence was justified was fined five rams. An ordinary tribesman in the same area was fined one ram and in Kastrat 250 piastres. The strength and solidarity of the tribes were closely connected with the plenary character of their assemblies. 619 634 626 619

Most public meetings took place in the open air, as church houses were usually too small and schoolrooms and village halls did not exist. Meeting places had to be central and free from cultivation, rock, scrub and forest so as to provide adequate seating space. In Catholic areas the yard of the church was commonly used for General Assemblies and in Moslem areas that of the mosque. Assemblies of a village or kin could be held in the most central of the smaller clearings of the area, and a house was big enough for a brotherhood or household assembly.

Some meeting-places were specially famous. At Lesh, a thriving seaport at the mouth of the river Drin, and not the malarial inland townlet into which it has been converted by the advance of the Drin towards Italy, Lek Dukagjini and Skanderbeg met by preference, as it was centrally situated for both their domains. The place of meeting was probably the grassy sward near the ruined church on the right bank of the Drin, opposite the modern town.

¹ See Appendix, Document XII, p. 272

² See Appendix, Document V, § 16, p. 264.

- 623 In Lower Martanesh Selim Lashku dispensed justice to the village of Martanesh under a branching tree by the *Gur i Kuvendit* (Stone of Assembly). At the spring called Gurrë Gega, which is at the confluence of the Shëmil and Gurakuq torrents in Çermenikë, he used to meet his famous contemporary of Gurakuq village, Mus Ballgjini, at plenary meetings of the twelve villages of Çermenikë. A list of the usual meeting-places of his day is to be found in Father Gjeçov's book.

The convener fixed the time and place of meeting. The favourite time was the early morning, as this left the whole day free for arguing.

- 634 The bajraktar presided over the General Assembly and sat cross-legged on the ground in the most honourable place. Near him sat other dignitaries—voivodes, village elders, clan elders, village ancients and clan ancients in due order of social precedence. Facing them and well apart sat the rest of the tribe, the youth, the commoners, the public messengers and the fine-collectors (*gjobtarë*), in a half-circle in Mirditë, and elsewhere in a roughly shaped rectangle or circle. The essential thing was that each man present should see and be seen by everybody else, and should have room to advance, if required, to the dignitaries. Since neither youth nor voivodes and fine-collectors existed in southerly districts like Martanesh, General Assemblies there consisted only of the bajraktar, elders, commoners, and public messengers.

- [695] Every effort was made to keep a meeting orderly. When a presiding dignitary, a judging elder or a witness was speaking no interruption was allowed. Insulting remarks and abuse were prohibited under pain of a fine that might amount to as many as five rams. Calling another a liar meant a fine of 500 piastres. For the better observance of these rules when a case was being tried, the disputants were not allowed to address the court. Each had to go some distance away with his elder in order to tell him his story quietly, and had to return to his place at the meeting to await judgement in silence. The elders drew apart from the meeting after their briefing, argued the case out with each other, and returned to the meeting to announce their decision in the hearing of all present. In this way only two or three men talked, the rest sat quiet and listened. In Mirditë a stranger might not take part in a general meeting, but in Lumë and Çermenikë, in the belief that a stranger could have 'nothing in his bosom or his pocket', that

GENERAL ASSEMBLIES

151

is to say, no interested motive for his opinion, he was actually encouraged to express his views. Among the Catholics of the far north the priest was permitted to speak, as though he were one of the tribesmen, but his views did not necessarily prevail. 634
[193]

It was unthinkable, of course, that the tribesmen should come without their arms in view of possible dangers on the way. So the law said explicitly that they might bring them. But as soon as they took their places cross-legged on the ground they had to lay their guns on the grass in front of them or on their laps and had to keep them so until the meeting ended. The Catholics sometimes let the priest coax them into depositing their arms in the church house for the duration of the meeting. If anyone raised his gun in anger, it was promptly taken from him by his neighbours. If anyone fired his gun the rest of the meeting immediately formed itself into a firing squad and killed him, and then went in a body to his house and burned it down. Even at the smallest meeting there were four or five important men present who kept a sharp look-out ready to prevent trouble. The priests too kept good watch, and a Franciscan found in Theth by Miss Durham in 1908 told the following story: 'We nearly had a row at the *mexhlis*¹ a little while ago. . . I heard a fearful noise and as I ran out a lot of them got up into a bunch like bees and raised their rifles. They were just going to fire. They would not listen to me. I rushed into the church and rang the bell as hard as I could. It had a splendid effect. As soon as they heard the bell, from habit they all shoved their pistols into their belts and took their guns in their left hands and began to cross themselves. No one knew what had happened. They poured into the church to see. By the time we came out again. . . they were quieted.' [627]

Proceedings usually began with a statement by the president that the tribe had assembled to consider certain matters in the manner required by God and the canon, that is to say, with justice and without innovations or departures from the established law. Great importance was attached to the latter point. The decisions of specialist elders were accepted only on condition that they conformed to the accepted law and did not constitute innovations. This proviso was thought unnecessary in the case of elders who had been bred to the law as the specialists had not, and were therefore trusted to stick to it. This conservatism maintained the strength of the law, the main factor in keeping the tribe together. [623]

¹ General Assembly.
2 [i.e., at General Assembly meetings - Analyst]

CHAPTER XV

ASSEMBLIES AND THEIR WORK

623 Assemblies sometimes dealt with internal matters such as criminal
 634 trials, formulation of laws, local administration, and sometimes
 619 with the external relations of the community. Internal affairs
 were dealt with, according to their gravity, by the tribe, village
 or kin, but a plenary assembly had to be called to consider
 foreign affairs.

b19 During the nineteenth and early part of the twentieth century
 b69 the northern tribes of Albania were singly or collectively in constant
 opposition to Turkish sovereignty, and plenary assemblies
 were summoned by tribes whenever they planned to break out
 into open revolt. Earlier in 1855 and 1862 there had been attacks on
 the Montenegrins by the Mirditë, which had followed on plenary
 assemblies of the Mirditë tribes.

In 1881 the Albanians of Kosovë formed the League of Prizren
 in order to struggle more effectively for independence of Turkey.

[637] All over Kosovë and what afterwards became the kingdom of
 Albania plenary meetings were held by tribes, and, where these did
 not exist as in south Albania, by districts, to decide on whether to
 join this League or not. Again in 1908, as Miss Durham relates,¹
 the northern tribes held plenary meetings about accepting the new

[121] Turkish constitution. The Albanian attack on the Turkish
 garrisons in Skoplje and adjacent towns, that began the Balkan
 war of 1912, was prefaced by general assemblies of every tribe in
 Kosovë and north Albania. In the summer of 1914, when Esad
 Pashë Toptani revolted against Prince William of Wied, then
 Mbret (king) of Albania, his supporters raised central Albania in
 his favour by carrying the Koran in one hand and a crucifix in the
 other to plenary meetings of the villages and bidding the Assembly,
 generally consisting of Moslems only, choose between the Moslem
 Esad and the Christian 'Mbret'. In 1942 a plenary meeting of all
 Mat was convened by the subprefect of Mat in the hope of
 enforcing obedience to the Italian government of the day. The
 decisions reached at the meeting were embodied in a document

¹ *Some Tribal Origins etc.*, p. 120, n. 1.

721 Like tribes, villages sometimes met together to try to agree
 622 about matters of common interest. Villages often quarrelled over
 685 irrigation water, and a forest or pasture boundary. They quarrelled
 even oftener perhaps because the tracks of stolen animals led from
 one to the other; cattle-lifting and sheep-stealing were common.
 The most satisfactory way of dealing with troubles was for the two
 villages to meet in full assembly. After thrashing the matter out in
 public they generally reached a settlement, failing which they
 could only go to war. In the early years of the twentieth century
 cattle thieving was listed as one of the thirteen most important
 matters brought before General Assemblies in Martanesh. In
 1942 it was still so active a disturber of the public peace that the
 pro-Fascist subprefect of Mat legislated for it among the questions
 which were the real occasion of his calling together the 5000
 families of Mat.¹

671 Law-giving was also an important function of General Assem-
 619 blies. This activity came to an end with centralization and western
 634 legal codes, and its nature can be studied in the documents quoted
 by Father Gjeçov and reproduced as an appendix to this book,
 pp. 261 sqq. These documents show the variety of matters with
 which the law-giving of the Assembly was concerned. For instance,
 Document I, coming from Malësi e Madhe and dated 1864, is
 wholly devoted to such subjects as betrothal, bride-price, divorce
 and abduction or elopement. Document XI, which comes from
 Kurbin in 1906, is much occupied with stealing and with tightening
 up the social fabric by making attendance at General Assemblies
 imperative and the authority of elders supreme. With the procla-
 mation of Albanian independence of Turkey only six years ahead,
 it contains an interesting political note; no Kurbin man is to
 become a gendarme in Turkish service or to give one food and
 shelter; and no Moslem of Kurbin is to curry favour with the
 Turkish authorities by denouncing a Christian fellow-tribesman.
 Document XIII, which comes from Mat in 1942, is also dated by
 its politics enjoining support of the Italian régime in Albania.

671 In the midst of the variety of subjects in the documents, crimes
 674 against life and property are continually appearing as the funda-
 mental threats to the security of the community. A study of the
 documents shows them as reaffirming and modifying old and
 recognized laws, rather than formulating new ones. Assemblies

¹ See Appendix, Document XIII, § 4, p. 273.

[688] It was not the theft but the sacrilege that on this occasion called
 691 the tribe of Orosh to a General Assembly and made them pronounce
 even the death sentence; without the sacrilege the fine would have
 been penalty enough. Murder of a priest, again heinous sacrilege,
 raised the same issues, but without hope of any reprieve from death
 save what secret flight might provide. Murder of a guest or of a
 man with whom the murderer had previously sworn an oath of
 peace, that is to say, of persons who had a right to protection, also
 came before a General Assembly and was punished by the severest
 [696] penalties, including death. Yet theft in the ordinary way was
 handled by elders and punished by a fine, and murder of the
 ordinary type was left to the victim's family and punished by blood
 vengeance. These were crimes against the individual and matter
 for individual handling. Sacrilege, however, and the murder
 of protected persons, were crimes against society, the former
 threatening the authority of the Church and the latter the tribal
 fabric.

689 When a man's general behaviour was a public menace or nuisance,
 693 he usually found himself before a General Assembly. To begin with,
 the elders of his social unit took the matter up as was their duty,
 attempting first to reason him into a better frame of mind. If this
 failed, they had to call a plenary meeting of the village to try the
 culprit and to carry out whatever sentence was pronounced. This
 was usually burning down his house and leaving his land untilled
 for a specific number of years. If he still persisted in his evil-doing,
 and this was serious socially speaking, the elders could call the
 whole tribe to their assistance. For public pests incited public
 extermination, and this required the sanction and the whole force
 of the tribe. Miss Durham relates what she calls 'an amazing case
 of wholesale justice' which occurred in the Mirditë tribe, Fan, in
 February 1912. A certain family in this tribe had become notorious
 for evil-doing, robbing, shooting and general misconduct. A
 'gathering of the whole tribe' condemned all the males of
 the family to death. Men were appointed to lie in wait for them
 on a certain day and pick them off. And on that day the whole
 seventeen of them were shot. One was only five and another only
 twelve years old. It was even proposed to kill an unfortunate
 woman who was pregnant in case she should bear a male and so
 renew the evil.¹

¹ Durham, *op. cit.* p. 75.

619 offenders, banishing others, and executing the ringleaders if these
672 had committed any crime entailing the death penalty.

619 Sometimes a village went to actual war with the rest of the tribe.
[72] As it never did so unless it knew itself to be very strong, the rest of
the tribe was sometimes unable to reduce it. If the tribe was alone,
the war went on until both sides were exhausted enough to cry halt.
If the tribe was one of a group its heads could call in all the men of
the other tribes to reduce the belligerent. In Mirditë a Gjomarkaj
called the General Assembly which decided on this step, and led
its members against the belligerent.

[681] Sometimes, like a pestilent village, a tribe that formed part of
a group made itself a nuisance to its neighbours. In that case the
General Assembly of the other tribes in the group sentenced it
wholesale to the usual penalties—fines for mild offenders, burning
out for medium offenders and death for bad offenders. A whole
tribe, however, could not be banished. It could only be ostracized,
cut off from all intercourse with its neighbours; this penalty lasted
until it consented to furnish the usual pledges for its future
behaviour.

623 Village Assemblies dealt with matters of exclusively village
interest. They regulated wood-cutting and irrigation rights, for
example. They fixed the date at which beasts might be sent up to
their summer pasturage on the high mountains. They stipulated
the number of beasts that might be sent up by each family. They
took steps to see that no one appropriated more than his fair share
of forest, irrigation water or grazing. In so doing they made
a valuable contribution to the public peace. Some aspects of
[682] murder also engaged their attention. The actual crime and revenge
[628] for it were the concern only of the families of the murderer and his
victim. But it was the concern of the village that the range of
revenge should not spread, increasing the number of avenging
assassinations and so disturbing the village peace. So the law
having laid down that the avenger must allow the murderer a day
or two's grace to settle up his affairs before he was besieged in his
house, the village had to extract a promise of this grace from the
avenger. In cases where the grace lasted for thirty days, the village
had to see that the murderer did not abuse his privilege and harry
the victim's family. If he showed any such tendency, the village in
General Assembly had to fine him and bring his period of grace to
an untimely end.

- 681 2. Wounding a man means a fine of 1500 grosh and 12 rams.
- [627] 3. Whoever fines another without doing it through a General Assembly and by common consent, will be fined 1000 grosh and 10 rams.
4. Whoever disputes with another or calls him names or aims his rifle at him in the following places—Breg i Shpellës, Viri, and Krue i Ri—will be fined 1000 grosh and 10 rams.
5. Whoever breaks down another's hedge in order to make a patch for himself must pay 150 grosh (3 rams) to the owner of the hedge.
6. Whoever murders anyone on the high road will be fined 3000 grosh and 24 rams.
7. Whoever robs another's house or sheepfold will be fined 500 grosh and 5 rams.
8. Whoever dishonours a woman or an engaged girl will be fined 3000 grosh and 10 rams.
- [627] 9. Whoever does not wish to engage elders and goes away saying 'May I never forgive you' will be fined 500 grosh and 5 rams.
- [233] 10. Whoever lets his animals graze on another's land will be fined 250 grosh and 3 rams.
- [423] 11. A man who will not hear of fencing in his portion of land, going halves in the fence with his neighbour, will be fined 250 grosh and 3 rams.
12. A man who does not meet his obligations at the term fixed will be fined 23 grosh.
13. Whoever steals an ox, a cow or a horse in his own village will be fined 500 grosh and 5 rams.
14. A man who does not respond to the village's call to come to a General Assembly or some other requirement of the village will be fined 250 grosh.
- [487] 15. A man who closes a gap which has always been in the hedge will be fined 150 grosh.
- [623] 16. The chiefs are to meet in General Assembly once a year, one week after St John's Day. Whoever does not conform to this decision will be fined 500 grosh.
- [693] 17. 'Pledge elders' are not to take more than 10 grosh as their fee for a judgement, and commoners not more than 5 grosh.
- [822] 18. Whoever murders his adversary after their feud has been compounded by order of the government will be fined 12 purses and expelled from the village and turned into a ghost.
- 681 19. A dog which enters a vineyard with a wooden collar on its neck
231 may not be killed. A dog which enters a vineyard or field without a wooden collar may be killed.
20. Whoever brings a house-dog with him to church or to Shpellë will be fined 50 grosh.

- 681 bajraktar, are perpetual like the law about fire¹ and other laws. Whoever breaks this law must pay an ox to the tribe and 300 grosh and a ram to the government's representative, otherwise he will have his house burned.

The Youth of Shalë
April 30th, 1905

XI. Laws Enacted by the Tribe of Kurbin on August 5-7, 1906.

(From Father Gjeçov, *Kanin*, p. 129.)

- [125] 1. Whoever joins the government police shall have his house burned and be excluded from funeral gatherings and hospitality.
- [798] 2. A man who goes to complain to the Turkish government about a Christian shall pay a fine of 1000 grosh.
- [675] 3. A man who steals from his neighbour or breaks into his house must, if he denies doing so, give his oath with 12 compurgators. If he proves to be a robber, he must pay a fine of 1000 grosh, and return to the owner of the house two for every article stolen.
4. If an ox is stolen and the accused denies the theft he must give his oath with 6 compurgators. If on enquiry he proves a thief, he must pay a fine of 500 grosh and return to the animal's owner two oxen for the one stolen.

This judgement holds also for a horse and a mule.

If a cow is stolen and the theft denied, the accused's oath needs three compurgators. If he proves a thief the penalty is returning two for one to the owner and a fine of 250 grosh. So too for a donkey.

If a bell-goat or a bell-wether is stolen two for one to the owner and a fine of three rams. If the theft is denied the oath must be given by the accused and all the males in his house.

For every small animal two for one to the owner and a fine of two rams. If the theft is denied the oath is with all the males in the accused's house.

5. Setting fire to a house² means a fine of 2500 grosh; to an animals' fold, a haystack and a hedge, a fine of 1500 grosh and returning two for one to the owner.

- [623] 6. A man who does not come to a General Assembly when summoned by the village elder will be fined one ram.
- [672] 7. If word is sent to the elders to come to a General Assembly anyone who does not come must pay a fine of five rams. If he has an excuse this will be weighed by the other elders.

¹ The Italian version already alluded to (Gjeçov's *Codice di Lek Dukagjini ossia Diritto Consuetudinario delle Montagne d'Albania*, Tradotto dal P. Paolo Dodaj, Roma, 1941) here reads *il mugnaio*, 'the miller' (cf. *supra* p. 263).

² The Italian version reads *La violazione (per furto) del focolare domestico*, and taking fire from a neighbour's hearth without permission is frequently taboo among primitive peoples.

POLITICS AND FEUDING

592

THE smallest political institution in tribal Gheg society is the household, the extended family living together, which is also an economic institution. The head of the household is the oldest male of the parental or grandparental generation, the patriarch. So strong is the feeling for age-grading in Albania that men will obey their fathers as faithfully at 40 and 50 as in their teens. Since all sons do not necessarily live with their fathers, but some may occupy separate houses, the institution of the household may thus be expanded spatially, although the relationships are maintained.

[672]

The household is a unit of warfare; when a man commits murder within his own tribe, his household suffers together. In seeking vengeance, a man can wipe out the blot on his family honor by killing the brother of his enemy; responsibility is held to be collective. If one member of a household kills another, which happens but very rarely,¹ nothing is done. The loss is that of the family.

[628]

621

The next unit is the village. It may be a compact group of houses, surrounded by its farmland and pasture; or it may consist of isolated homesteads, each in its own land. The latter is the more usual form. In either case, it has some central building, a mosque or a church; or it may merely have a flat place, usually shaded by an oak, where the elders meet. Each village is supposed to have 12 elders, whose office is partly hereditary, partly elective. Various families habitually furnish one man each to fill this position. The word for elder is *plak*, which Miss Durham traces back to the time of Strabo.² One of these elders is the *kryeplak*, literally, head elder. In one village in Has, when I measured the *kryeplak*, he told the recorder that he was "mayor" of the village. He calls the elders together when events arise that need their

• 623

¹ Miss Durham gives one instance from Dukagin (Durham, 1928, pp. 69-70).

² Durham, 1928, p. 14.

623 attention. These include the use of tribal lands, decisions whether or not to burn forest to make pasture, etc., although such matters usually involve several villages. The elders also convene as witnesses in oath-taking.

634 Above the village is the *bairak* (Turkish for banner, standard), a geographical area with some kind of natural unity, so that the people living in it habitually see more of each other than of those without. All of the village councils meet together for the *bairak* council, under the *bairaktar* (standard-bearer), or head of the *bairak* (fig. 10, e).¹ His office is hereditary in certain families. King Zog's father was *bairaktar* of Mat, the principal *bairak* of Mati; in Dibra Major Çen Eleze, who acted as host to our expedition, was one *bairaktar*, while Murat Kaloshi, his rival, was another. These men were great feudal leaders, maintaining large households of armed men, and dispensing lavish hospitality to all comers. Çen Eleze had sent two of his sons to the American Technical School in Tirana, where they learned modern agricultural methods as well as perfect English. These boys, huge fellows over 6 feet 3, were of great help to us when we visited Slatina.

[177] The *bairaktar* can become an independent sovereign if he has a strong enough personality and if the tribal authority is weak, and that of the central government likewise. At other times he is under the authority of the head of the tribe, an official chosen from a ruling household, and bearing a different title in each tribe. In Mirdita he is called *Kapedan* (Captain); in Puka, *Shpij e Krye Ziut* (Black-Head House); in Malsia e Madhe, *Shpij e Madhe* (Big House), the exact equivalent of the ancient Egyptian *per aa*, or Pharaoh.

124
619 Fifty men, comprising 5 per cent of our metrical series, were office-holders in the Gheg tribal system. Eleven^a were elders, 26 chief

^aFour from Dukagin, 2 Puka, 4 Mirdita, 1 Zadrina.

¹[see cat. 116, p. 110 - Analyst]

124 elders,⁴ 8 *bairaktars*,⁵ and 5 retainers of a tribal
619 prince, Jon Markajon of Mirdita (fig. 10, a)¹
[463] Except for the chief elder of Karashegeç in
Has, who was a baker, all of the elders, chief
elders, and *bairaktars* were farmers. The baker
was "mayor" of a village of bakers, outside the
mountain area. All of these men were locals,
born of local fathers and mothers taken from
within the father's tribe. Preferences are thus
shown for (a) agriculture as against handi-
crafts or trade, and (b) local as against outside
descent.

619
642 Jon Markajon, the only tribal chief whom
we met, and who entertained us very well at
his capital in Orosh, would not allow us to
measure him, although he summoned all of his
subjects from nearby villages. The 5 retainers
whom we measured in his house constituted
his princely staff. Three of them were part-
time farmers, and 2, full-time political em-
ployees. What their exact duties and titles
were, we did not determine. The ancient
tribal government of Ghegnia, if we may
judge by the example of Mirdita, the one tribe
in which it survived more or less intact until
1929, consisted of a graded hierarchy with
three steps—elders and their chief, *bairaktars*,
and tribal prince. Attached to the prince was
his staff of special messengers, chamberlains,
and guards.

• [623] The tribal government was in the hands of
the prince and his council, which consisted of
all of the elders of the tribe, with their chief
elders, and the *bairaktars*. The heads of large
and powerful households, even if they held no
formal office, would be included. The council
met in cases of murder within the tribe, of
intertribal warfare, invasion, or other crises
involving violence. It also met to decide on
its own composition, i.e., to hear the petitions
of neighboring *bairaks* to join it.

619
643 The strength of the prince as compared to
that of the council depended on the former's
personality. During the last 50 years, for ex-
ample, Mirdita has been ruled by the following
princes: Bib Doda, a great and powerful man
who died about 1913; Preng Bib Doda, his
son, who was killed shortly after in a blood

¹ Nine from Malsia e Madhe, 1 Has, ²4 Mirdita, 4
Zadrime, 3 Mati, and 1 Dibra.

² [see cat. 116, p. 110 -- Analyst]